IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 13644 of 2005

Between:

L.Srinivasulu, s/o Seshaiah, Primary Health Centre, Akepadu, Cuddapah District.

..... PETITIONER

AND

1. The Regional Director of Medical Health Services, Cuddapah District.
2. The Director of Health, Sultan bazar, Koti, Hyderabad.
3. The District Medical & Health Officer, Cuddapah District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF CERTIORARI" call for the records pertaining to O.A.No.6468 of 2004, dt.17-6-2005 on the file of the Hon'ble A.P.A.T., Hyderabad an quash the same wherein confirmed the orders of the 1st respondent vide Rc.No.2253/B2/04, dt.22-11-2004 and declare the same as illegal, arbitrary and irrational and consequently set aside and quash the same and to pass such other orders as are necessary in the interest of justice.

Counsel for the Petitioner: MR.VADAPALLI RAMESH.

Counsel for the Respondents: GP FOR MEDICAL HEALTH & FAMI.WELFARE.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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WRIT PETITION NO.13644 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> "For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF CERTURAORI" call for the records pertaining to O.A.No.6468 of 2004, dt.17.6.2005 on the file of Hon'ble A.P.A.T., Hyderabad and quash the same wherein confirmed the orders of the 1st respondent vide Rc.No.2253/B2/04, dt.22.11.2004 and declare the same as illegal, arbitrary and irrational and consequently set aside and quash the same and to pass such other orders as are necessary in the interest of justice."

The petitioner was working as Multi Purpose Health Supervisor at Obulavaripalli of Ciddapah District from the month of May 2003 onwards. He sought to be transferred to Primary Health Centre, Akepadu of the same district on the ground that his wife was suffering from heart decease, which requires medical attention demanding frequent visits to Rajampet a nearby town for that purpose. The request of the petitioner was initially accepted and was in fact, transferred to Primary Health

Centre, Akepadu village by Proceedings dated 29-10-2004. However, within a month thereafter i.e., 22-11-2004, the 1st respondent issued Proceedings, canceling the above referred order of transfer on the ground that in view of the exigencies of services due to out break of Diarrhea and Malaria fever in the Primary Health Centre o f Obulavaripalli, the services of the petitioner are required at Obulavaripalli. Challenging the said order dated 22-11-2004, the petitioner approached the Andhra Pradesh Administrative Tribunal and the Tribunal by the order impugned in this writ petition dismissed the O.A.

The only submission made by the learned counsel for the petitioner is that subsequent to the order dated 22-11-2004, there was another Proceeding by the 2nd respondent dated 23-11-2004 initiating some kind of enquiry into the genuineness of the allegation of sickness of the wife of the petitioner and therefore, the petitioner apprehends that such suspicion in the mind of the 2nd respondent formed basis for the Proceeding dated 22-11-2004.

Admittedly, the order impugned is one day prior to the Proceeding of the Director dated 23-11-2004 referred to earlier and there is nothing on record to show that the suspicion of the 2nd respondent played role in the passing of the impugned order. The Tribunal, in our view, rightly dismissed the O.A., and we do not see any reason to interfere with the order of the Tribunal in challenge.

The writ petition is devoid of merits and is accordingly dismissed at the stage of admission. No costs.

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J.Chelameswar J

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M.Venkateswara Reddy, J

30th June 2005

mrk.

To

1. The Regional Director of Medical Health Services, Cuddapah District.
2. The Driector of Health, Sultan bazar, Koti, Hyderabad.
3. The District Medical & Health Officer, Cuddapah District
4. The Registrar, A.P. Administrative Tribunal, Hyderabad.
5. Two CCs to the G.P. for Medical & Health, High Court of A.P., Hyderabad (OUT).
6. Two CD copies.

*Form-NIC-OGS/WP{**RS**}*

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